

Members of the Governing Body will participate by video call-in only due to the COVID-19 pandemic. The public will be able to view the meeting at <https://www.facebook.com/CityofPrairieVillage>

**SPECIAL MEETING OF THE CITY COUNCIL
CITY OF PRAIRIE VILLAGE
Wednesday, January 12, 2022
7:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF THE AGENDA**
- V. PUBLIC PARTICIPATION**

If you would like to speak live during the public participation portion of the meeting, please notify City Clerk Adam Geffert at cityclerk@pvkansas.com, and provide your name, address, and email address prior to 3 p.m. on January 12. The City will provide you with a link to join the meeting and will call on those who signed up to speak for up to 3 minutes once public participation begins.

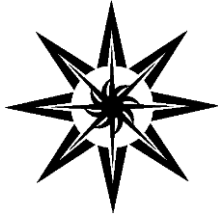
To submit written comment to Council, please email cityclerk@pvkansas.com prior to 3 p.m. on January 12 to be shared with Councilmembers prior to the meeting.

- VI. EXECUTIVE SESSION**
- VII. NEW BUSINESS**

COU2022-03 Ratify the decision to conduct City meetings (committees and Council) in a virtual format
Wes Jordan

COU2022-04 Consider an ordinance regulating public offenses within the City of Prairie Village, Kansas, amending Chapter 11 (Public Offenses & Traffic), Article 2 (Local Regulations) of the Prairie Village Municipal Code, requiring the wearing of face coverings or masks during the COVID-19 pandemic and recovery
Mayor Mikkelson

- VIII. ADJOURNMENT**



ADMINISTRATION

City Council Special Meeting Date: January 12, 2022

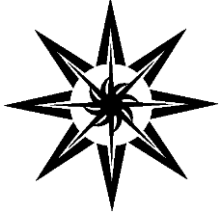
**COU2022-03: RATIFY THE DECISION TO CONDUCT CITY MEETINGS
(COMMITTEES AND COUNCIL) IN A VIRTUAL FORMAT**

BACKGROUND

In accordance with Municipal Code 1-203 (e), the Mayor and City Administrator conferred and are recommending the City Council approve the continuance of all city meetings in a virtual meeting format. This action follows Johnson County's action to move to the virtual medium in an effort to provide for and ensure the health, safety, security, and welfare of the people Johnson County. The virtual meeting format would continue until the City Council feels comfortable moving back to a hybrid or in-person meeting format.

PREPARED BY

Wes Jordan
City Administrator
December 30, 2021



ADMINISTRATION

Special City Council Meeting Date: January 12, 2022

COU2022-04

Consider an ordinance regulating public offenses within the City of Prairie Village, Kansas, amending Chapter 11 (Public Offenses & Traffic), Article 2 (Local Regulations) of the Prairie Village Municipal Code, requiring the wearing of face coverings or masks during the COVID-19 pandemic and recovery.

SUMMARY:

At its August 16, 2021, regular meeting, the Prairie Village City Council passed Ordinance No. 2454, which established a new Section 11-222 in the Prairie Village Municipal Code requiring the wearing of masks or other face coverings in response to the continuing COVID-19 pandemic. Pursuant to Ordinance No. 2455, the effectiveness of this requirement was extended through October 31, 2021. Section 11-222 was not extended beyond October 31, 2022, and the facemask requirement is not applicable within the City at this time.

Currently, the region is experiencing the highly transmissible Delta and Omicron variants of COVID-19 which is resulting in a rapid increase in new cases and numerous outbreaks and hospitalizations, placing an immediate and urgent strain on our local health care systems.

In recognition and furtherance of the City's responsibility to respond to the impacts of the COVID-19 pandemic, to provide for and ensure the health, safety, security, and welfare of the people in our community, Mayor Mikkelson has called a special meeting of the City Council to consider the attached face mask ordinance. At the request of the Mayor, city staff has prepared an updated ordinance for the City Council's consideration. There are several key changes to previous Section 11-222:

- The draft ordinance has removed any and all requirements that persons responsible for businesses or organizations be responsible for requiring that employees, customers, visitors, or members of the public wear masks or other face coverings. Simply put, the requirement is now personal, and businesses and employers are not themselves responsible for requiring employee or customer compliance.
- A requirement that businesses post signage has not been included in the current draft. The ordinance has been drafted to remove as much responsibility from businesses as possible.

- Additional minor amendments are reflected in the attached redline version of Ordinance 11-222.

The Mayor has also been in touch and coordination with the cities of Mission and Roeland Park, Kansas, who will likely be considering some similar form of facemask ordinances and/or resolutions on Wednesday, January 11, 2022.

ATTACHMENTS:

Draft Ordinance No. 2465

Reflected Revisions to 11-222

Letter from Northeast Johnson County Chamber of Commerce

PREPARED BY:

Wes Jordan

City Administrator

January 11, 2022

ORDINANCE NO. 2465

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS; AMENDING CHAPTER 11 (PUBLIC OFFENSES & TRAFFIC), ARTICLE 2 (LOCAL REGULATIONS) OF THE CODE OF THE CITY OF PRAIRIE VILLAGE TO REQUIRE THE WEARING OF MASKS OR OTHER FACE COVERINGS DURING THE COVID-19 PUBLIC HEALTH ~~EMERGENCY~~PANDEMIC AND RECOVERY.

WHEREAS, the governing body of the City of Prairie Village, Kansas, prioritizes the protection of the health, safety, welfare and economic well-being of residents and visitors of the City of Prairie Village;

WHEREAS, COVID-19 is a disease caused by a novel coronavirus, previously unknown in humans, and is presently understood to cause, among other things, upper-respiratory tract illnesses that can range from mild to severe, spread quickly, and may cause death, particularly in older adults and persons with chronic medical conditions;

~~**WHEREAS**, on July 19, 2021, the United States Department of Health and Human Services issued a "Renewal of Determination that a Public Health Emergency Exists" related to COVID-19, such public health emergency having been initially declared January 27, 2020;~~

~~**WHEREAS**, after a steady trend of decreasing metrics, recent weeks have seen the numbers of COVID-19 cases, hospitalizations, and deaths spike in Kansas and across the nation;~~

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), Johnson County, Kansas, is currently an area where there is a "high" level of community transmission of COVID-19;

WHEREAS, this worrying trend of increased COVID-19 spread is a danger to the health and safety of residents and visitors to the City of Prairie Village, and also presents a serious threat to reopening and reviving the City's economy;

WHEREAS, research shows that COVID-19 and its variants are spread primarily through respiratory droplets exhaled when infected people breath, talk, cough, or sneeze;

~~**WHEREAS**, on July 27, 2021, the CDC has issued ~~updated~~ certain recommendations related to the COVID-19 pandemic, such that in addition to recommending the wearing of masks for unvaccinated persons, the CDC now recommends that even fully-vaccinated people wear a mask in public indoor settings in areas of substantial or high transmission, such as in Johnson County, Kansas;~~

~~**WHEREAS**, the City of Prairie Village must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously safely, strategically, and incrementally facilitating economic recovery and revitalization; and,~~

WHEREAS, Chief Medical Officers from the region's hospital systems have advised that the regional healthcare system is currently in the throes of an unprecedented health care crisis that impacts the availability of and access to health care for all Prairie Village and regional

residents, caused by the resurgence of COVID-19 patients and related hospital staff shortages; and

WHEREAS, for the aforementioned and other reasons, the governing body of the City of Prairie Village is acting pursuant to its constitutional home rule authority to provide for the health, safety, welfare and economic well-being of residents and visitors of the City of Prairie Village, by requiring that masks or other face coverings be worn as described in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. ~~A new~~ Section 11-222 ~~is hereby established in Chapter 11 (Public Offenses & Traffic), Article 2 (Local Regulations) in~~ the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and amended to read as follows:

11-222 WEARING MASKS IN PUBLIC PLACES OF BUSINESS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY.

~~A.~~ (A) Mask or other face coverings covering; definitions and applicability.

- (1) "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen, and may include a plastic face shield. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.

- (2) "Public space" means: ~~(a)~~ any indoor space or area that is open to the public; ~~this.~~

(a) Except as set forth in subsection (B)(2) below, the term "public space" does not include private residential property or private offices or workspaces that are not open to customers or public visitors.

~~(b)~~ (b) The term "public space" shall not include, and this Section 11-222 shall not apply to (i) churches, synagogues, mosques, or other places of religious worship, (ii) public or private schools, or (iii) public buildings or facilities owned or operated by any unit of government or political subdivision other than the city itself, including but not limited to those buildings or facilities owned or operated by the county, the school district, the state, or the federal government, or any agency or division thereof.

~~(c) Notwithstanding anything in this Section 11-222 to the contrary, this Section 11-222 shall not apply to any public space or any other business or organization covered by this Section 11-222 which, as a condition of entry into such~~

~~public space, business, or organization, requires reasonable proof that every person (regardless of age) entering such public space has received all doses of the then-available COVID-19 vaccines, per the minimum requirements for full vaccination established by such vaccine maker or applicable governing authority.~~

B. (B) Mask or other face coveringscovering; when required:

~~exemptions.~~ (1) All persons in the city shall cover their mouths and noses with ~~masks~~a mask or other face ~~coverings~~covering when they are in the following situations:

~~(a) (1)~~ Inside any indoor public space; or

~~(b) (2)~~ Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee thereof or a health care provider.

~~(2) The persons responsible for all businesses or organizations in the city must require all employees, customers, visitors, members, or members of the public to wear a mask~~

(C) Mask or other face covering as follows:

~~(a) Employees, when working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;~~

~~(b) Employees, when working in any space where food is prepared or packaged for sale or distribution to others;~~

~~(c) Employees, when working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;~~

~~(d) Customers, members, visitors, or members of the public, when in a facility managed by the business or organization; or~~

~~(e) Employees, when in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.~~

~~(3) exemptions.~~ The following individuals are exempt from wearing ~~masks~~a mask or other face ~~coverings~~covering in the situations described in ~~subsections B(1) and B(2)~~subsection (B) above:

~~(a1)~~ Persons ~~age~~aged five years or under—children ~~age~~aged two years and under in particular should not wear a ~~mask or other~~ face covering because of the risk of suffocation;

~~(b2)~~ Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom

wearing a mask or other face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;

(~~e~~3) Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;

(~~d~~4) Persons for whom wearing a mask or other face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;

(~~e~~5) Persons who are obtaining a service involving the nose or face for which temporary removal of the mask or other face covering is necessary to perform the service;

(~~f~~6) Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking;

(~~g~~7) ~~Athletes~~Persons who are engaged in an organized sports or athletic activity that allows persons or athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;

(~~h~~8) Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;

(~~i~~9) Persons engaged in religious services, ceremonies or activities;

(~~j~~10) Persons engaged in an activity or event held or managed by the Kansas Legislature;

(~~k~~11) Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and

(~~l~~12) Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

~~(4) It shall be an affirmative defense to any prosecution under subsection B(1) or B(2) that the person in violation is an individual listed under subsection B(3).~~

C.D) Mask or other face ~~coverings~~covering; penalties; enforcement.

(1) The knowing and willful failure or refusal to comply with the requirements of this Section 11-222 shall be an unclassified violation. Any fine imposed for a violation of this section shall not exceed \$25.00.

~~(2) The person responsible for any business or organization that does not comply with Section 11-222 includes a sole proprietor, or any officer, partner, member, manager, director, or other supervisor for the business or organization, who may be held jointly and severally responsible for such violation with respect to any enforcement of the violation.~~

(2) ~~(3)~~ This Section 11-222 may be enforced by the police department, with appropriate proceedings following citation in municipal court.

(3) Notwithstanding the foregoing, violation of any provision of this Section 11-222 constitutes an imminent threat and immediate menace to public health. All remedies prescribed in this Section 11-222 or otherwise available under applicable law, shall be cumulative, and the use of one or more remedies by the city shall not bar the use of any other remedy to enforce this Section 11-222.

(4) It shall be an affirmative defense to any prosecution under subsection (B)(1) or (B)(2) that the person in violation is an individual listed under subsection (C).

D. ~~(E)~~ Mask or other face ~~coverings~~covering; Federal/state/county orders.

The provisions of this Section 11-222 shall not apply to the extent such provisions directly conflict with any current or subsequent orders issued by the United States Federal government (or agency thereof), the State of Kansas (or agency thereof), the Governor of the State of Kansas, the Board of County Commissioners for Johnson County, Kansas, the Local Health Officer of Johnson County, Kansas, or other applicable authorities, ~~including but not limited to Johnson County Board of Health Order No. 001-21 dated August 5, 2021.~~

E. ~~(F)~~ Mask or other face ~~coverings~~covering; effective term.

The provisions of this Section 11-222 shall be in effect until 11:59 p.m. on ~~September 30~~February 16, 2024~~2022~~, unless further extended by ordinance of the governing body.

F. ~~(G)~~ Mask or other face ~~coverings~~covering; severability.

Severability is intended throughout and within the provisions of this section. If any subsection, sentence, clause, phrase, or portion of this section is held to be invalid, illegal, or unconstitutional by any court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this section.

Section 2. Section 11-222 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this ordinance, is hereby repealed.

Section 3. This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas, on ~~August 16~~ , ~~2021~~2022.

APPROVED by the Mayor on , ~~2021~~2022.

CITY OF PRAIRIE VILLAGE, KANSAS

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

ORDINANCE NO. 2465

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF PRAIRIE VILLAGE, KANSAS; AMENDING CHAPTER 11 (PUBLIC OFFENSES & TRAFFIC), ARTICLE 2 (LOCAL REGULATIONS) OF THE CODE OF THE CITY OF PRAIRIE VILLAGE TO REQUIRE THE WEARING OF MASKS OR OTHER FACE COVERINGS DURING THE COVID-19 PUBLIC HEALTH PANDEMIC AND RECOVERY.

WHEREAS, the governing body of the City of Prairie Village, Kansas, prioritizes the protection of the health, safety, welfare and economic well-being of residents and visitors of the City of Prairie Village;

WHEREAS, COVID-19 is a disease caused by a novel coronavirus, previously unknown in humans, and is presently understood to cause, among other things, upper-respiratory tract illnesses that can range from mild to severe, spread quickly, and may cause death, particularly in older adults and persons with chronic medical conditions;

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), Johnson County, Kansas, is currently an area where there is a "high" level of community transmission of COVID-19;

WHEREAS, this worrying trend of increased COVID-19 spread is a danger to the health and safety of residents and visitors to the City of Prairie Village, and also presents a serious threat to reopening and reviving the City's economy;

WHEREAS, research shows that COVID-19 and its variants are spread primarily through respiratory droplets exhaled when infected people breath, talk, cough, or sneeze;

WHEREAS, the CDC has issued certain recommendations related to the COVID-19 pandemic, such that in addition to recommending the wearing of masks for unvaccinated persons, the CDC now recommends that even fully-vaccinated people wear a mask in public indoor settings in areas of substantial or high transmission, such as in Johnson County, Kansas;

WHEREAS, Chief Medical Officers from the region's hospital systems have advised that the regional healthcare system is currently in the throes of an unprecedented health care crisis that impacts the availability of and access to health care for all Prairie Village and regional residents, caused by the resurgence of COVID-19 patients and related hospital staff shortages; and

WHEREAS, for the aforementioned and other reasons, the governing body of the City of Prairie Village is acting pursuant to its constitutional home rule authority to provide for the health, safety, welfare and economic well-being of residents and visitors of the City of Prairie Village, by requiring that masks or other face coverings be worn as described in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VILLAGE, KANSAS:

Section 1. Section 11-222 of the Code of the City of Prairie Village, Kansas, is hereby deleted in its entirety and amended to read as follows:

11-222 WEARING MASKS IN PUBLIC PLACES OF BUSINESS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND RECOVERY.

(A) Mask or other face covering; definitions and applicability.

- (1) "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen, and may include a plastic face shield. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.
- (2) "Public space" means any indoor space or area that is open to the public.
 - (a) Except as set forth in subsection (B)(2) below, the term "public space" does not include private residential property or private offices or workspaces that are not open to customers or public visitors.
 - (b) The term "public space" shall not include, and this Section 11-222 shall not apply to (i) churches, synagogues, mosques, or other places of religious worship, (ii) public or private schools, or (iii) public buildings or facilities owned or operated by any unit of government or political subdivision other than the city itself, including but not limited to those buildings or facilities owned or operated by the county, the school district, the state, or the federal government, or any agency or division thereof.

(B) Mask or other face covering; when required. All persons in the city shall cover their mouths and noses with a mask or other face covering when they are in the following situations:

- (1) Inside any indoor public space; or
- (2) Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee thereof or a health care provider.

(C) Mask or other face covering; exemptions. The following individuals are exempt from wearing a mask or other face covering in the situations described in subsection (B) above:

- (1) Persons aged five years or under—children aged two years and under in particular should not wear a mask or other face covering because of the risk of suffocation;
- (2) Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a mask or other face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
- (3) Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
- (4) Persons for whom wearing a mask or other face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- (5) Persons who are obtaining a service involving the nose or face for which temporary removal of the mask or other face covering is necessary to perform the service;
- (6) Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking;
- (7) Persons who are engaged in an organized sports or athletic activity that allows persons or athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
- (8) Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
- (9) Persons engaged in religious services, ceremonies or activities;
- (10) Persons engaged in an activity or event held or managed by the Kansas Legislature;
- (11) Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and
- (12) Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

(D) Mask or other face covering; penalties; enforcement.

- (1) The knowing and willful failure or refusal to comply with the requirements of this Section 11-222 shall be an unclassified violation. Any fine imposed for a violation of this section shall not exceed \$25.00.
- (2) This Section 11-222 may be enforced by the police department, with appropriate proceedings following citation in municipal court.
- (3) Notwithstanding the foregoing, violation of any provision of this Section 11-222 constitutes an imminent threat and immediate menace to public health. All remedies prescribed in this Section 11-222 or otherwise available under applicable law, shall be cumulative, and the use of one or more remedies by the city shall not bar the use of any other remedy to enforce this Section 11-222.
- (4) It shall be an affirmative defense to any prosecution under subsection (B)(1) or (B)(2) that the person in violation is an individual listed under subsection (C).

(E) Mask or other face covering; Federal/state/county orders.

The provisions of this Section 11-222 shall not apply to the extent such provisions directly conflict with any current or subsequent orders issued by the United States Federal government (or agency thereof), the State of Kansas (or agency thereof), the Governor of the State of Kansas, the Board of County Commissioners for Johnson County, Kansas, the Local Health Officer of Johnson County, Kansas, or other applicable authorities.

(F) Mask or other face covering; effective term. The provisions of this Section 11-222 shall be in effect until 11:59 p.m. on February 16, 2022, unless further extended by ordinance of the governing body.

(G) Mask or other face covering; severability. Severability is intended throughout and within the provisions of this section. If any subsection, sentence, clause, phrase, or portion of this section is held to be invalid, illegal, or unconstitutional by any court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this section.

Section 2. Section 11-222 of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this ordinance, is hereby repealed.

Section 3. This ordinance shall take effect and be enforced from and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas, on _____, 2022.

APPROVED by the Mayor on _____, 2022.

CITY OF PRAIRIE VILLAGE, KANSAS

Eric Mikkelsen, Mayor

ATTEST:

Adam Geffert, City Clerk



nejcchamber

connect. build. grow.

Good morning,

I would have never thought that we would still be talking and living through a pandemic and yet, here we are doing just that. The NEJC Chamber has been a constant advocate of doing what is right and being part of the solution to this time in our history. By saying that now, the NEJC Chamber is highly recommending and encouraging our businesses to help provide public safety to our citizens by offering masks, encouraging mask-wearing, and social distancing.

Let's work together to keep our business doors open. We must get the numbers under control and by working together, I know we can do it.

Thank you,

Deb Settle
President & CEO
NEJC Chamber

